

ORDINANCE NO. 04-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, AMENDING CHAPTER 10, DIVISION 3 OF THE CODE OF LAWS OF LEON COUNTY, RELATING TO STANDARDS FOR FLOOD HAZARD REDUCTION; AMENDING SECTION 10-1736, GENERALLY; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEON COUNTY, FLORIDA, that:

Section 1. Section 10-1736 of Chapter 10 of the Code of Laws of Leon County, Florida, is hereby amended to read as follows:

DIVISION 3. STANDARDS FOR FLOOD HAZARD REDUCTION

Sec. 10-1736. Generally.

* * *

(i) All applicants for development orders for all residential structures to be constructed partially or wholly within a 100 year floodplain at or below the base flood elevation, as determined by the flood certificate, must sign, notarize and record a waiver approved by the County Administrator or designee, releasing the County from any and all existing and future claims for any damages arising from the floodplain condition of the property. If the access to the structure is partially or wholly within the 100 year floodplain, the applicant likewise must sign, notarize and record such waiver. If Leon County's geographical information system (GIS) contour data is used to approximate the floodplain location instead of survey data, then the waiver will be required if the proposed structure is to be located within 20 feet of the floodplain delineated by using the contour data. The floodplain shall be determined in accordance with Section 10-1722(8) and (9) by a professional civil engineer registered in the state in accordance with 61G15-23.002, F.A.C.

Section 2. Conflicts. All ordinances or parts of ordinances in conflict with the provisions of the Ordinance are hereby repealed to the extent of such conflict, as of the effective date of this Ordinance, except to the extent of any conflicts with the Tallahassee-Leon County Comprehensive Plan, as amended, which provisions shall prevail over any parts of this Ordinance which are inconsistent, either in whole or in part, with the Comprehensive Plan.

Section 3. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent

provision and, such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4. Effective Date. This ordinance shall have effect upon becoming law.

DULY PASSED AND ADOPTED BY the Board of County Commissioners of Leon County, Florida, this ____ of _____, 2004.

LEON COUNTY, FLORIDA

BY: _____
JANE G. SAULS, CHAIRMAN
BOARD OF COUNTY COMMISSIONERS

ATTEST:
BOB INZER, CLERK OF THE COURT

BY: _____
CLERK

APPROVED AS TO FORM:
LEON COUNTY ATTORNEY'S OFFICE
LEON COUNTY, FLORIDA

BY: _____
HERBERT W.A. THIELE, ESQ.
COUNTY ATTORNEY